IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7567 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE SHARAD D.DAVE

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SUPERINTENDING ENGINEER - Petitioner(s)

Versus

KISHORKUMAR BHAISHANKER PANDYA - Respondent(s)

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Appearance :
MS RITA CHANDARANA, AGP for Petitioner(s) : 1,
MR MD RANA for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE SHARAD D.DAVE

Date : 06/10/2005

CAV JUDGMENT

1.By filing this petition under Article 226/227 of the Constitution of India, the petitioner – Superintending Engineer has prayed for quashing and setting aside the

judgment and award dated 16.4.1998 passed by the Presiding Officer, Labour Court, Junagadh.

2. At the time of hearing of this petition, Ms.Chandarana, learned AGP has produced on record the copy of the order passed by this Court (Coram: Y.B.Bhatt,J) dated 24.9.2002 whereby the cheque dated 24.7.2002 in the sum of Rs.1,48,266/- in favour of the Registrar of this Court was directed to be accepted and it was ordered to encash the same. It was further directed that the Registrar shall make the payment to the respondent herein by Accounts Payee Cheque of the amount credited in the account of the Registrar (after deduction of the collection charges by the Bank) and the said payment was to be made after the respondent herein furnishes and files with the Registrar in the petition, i.e. Special Civil Application No.2812 of 2002 a Bank Guarantee in favour of the petitioner herein in the sum of Rs.1,60,000/- coupled with the statement to be made by the respondent herein on oath that the said Bank Guarantee shall be kept alive for the duration of this special civil application. Further, the learned AGP has also produced on record the copy of the order dated 8.3.1999 passed by the Superintending Engineer, Rajkot.

3. It can, therefore, be seen that the amount of

Rs.1,48,266/- represents the arrears due to the respondent herein on account of the re-fixation of pay, as directed by the judgment and award of the Labour Court, Junagadh passed in favour of the respondent herein. Upon perusal of the order dated 8.3.1999, it is clear that the respondent herein has already been appointed as Junior Clerk purely on ad hoc basis and the arrears thereof arising out of re-fixation has already been paid by the petitioner to the respondent.

4. Under the circumstances, now nothing remains to be done in this matter. Accordingly, this petition is required to be disposed of. This petition is disposed of. Rule is discharged. No costs. As a result of the aforesaid discussion, the Bank Guarantee given by the respondent in favour of the petitioner herein shall stand revoked.

(Sharad D.Dave,J)

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